

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – April 12, 2011 – 7 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also present: Mayor Jack Klingmeyer, Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Daniel Losco

Approval of Minutes by Date

A motion was made by Councilperson Megginson to approve the minutes of February 22 and March 8, 2011, as presented. The motion was seconded by Councilperson Gaworski. It was approved unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported that, as of March 31, 2011, total monthly deposit, \$273,609.39; total cash in accounts, \$468,822.51; total certificates of deposit and Delaware Government Investment Pool, \$1,846,851.06; and total cash on hand, \$2,315,673.57.

Councilperson Cochran made a motion to accept the report. Councilperson Gaworski seconded the motion. The motion passed unanimously.

Report from the City Administrator

Administrator Thomas highlighted some items from her written report. She has been doing a lot related to the wellness initiative. There is a new economic redevelopment effort by the county that may include a request of some amount of funds from the City. The area includes the City of New Castle, both the downtown retail area and the industrial parks, and the airport. She is working on that along with the Historic New Castle Alliance.

Council President Barthel said the report was accepted as presented.

Approval of Staff Reports

Council President Barthel said the staff reports were accepted as presented.

Grant Review

Councilperson Cochran provided the review. Grant activity: Banks Building, \$4,000, pending approval; Button Drainage, \$18,030; Coastal Mgt. Flood/Dike Control, \$100,000 applied for grant; DNREC-Broad Dike Wetland Protection Program, \$800,000, recommended for approval; ARRA Green Project, \$1,710,627, received \$308,615 to date; recycling grant, \$24,000+, notice of approval; tobacco prevention, \$9,977, award notification received. Grant income: Speed

equipment grant, \$2,000; Police, \$37,672.20; Police, \$47,259; and MSC Appropriations, \$112,500.

Communications

Councilperson Petty said she is very sorry to give this report. There is a half-way house in Buttonwood with four sex offenders living there. She has talked with Police Chief McDerby who said he would look into it. She said the City needs to do something about it. It is a quiet, family community with a lot of children. It is very depressing to have something in your neighborhood like this and also not know it was coming.

President Barthel suggested the Chief investigate and find out what the City can do.

Business from the Mayor

Mayor Klingmeyer read a letter he sent this afternoon to Council. He said he had submitted to City Council a proposed amendment to City Charter clarifying the duties of the City Clerk. He said the City Clerk to date has been excluded from attending the Executive Sessions of the City Council thus the minutes are being kept by those participating in the meeting. The one official elected by the citizens of New Castle for such a duty is not being allowed to report on the secret sessions of City Council. He said FOIA requires as much transparency as possible.

President Barthel asked Solicitor Losco if he had anything to add on the Mayor's proposal.

Mr. Losco, who assisted the Mayor in drafting the proposal, said his one concern is having someone not absolutely essential to the meeting attending the Executive Session. The Attorney General's office recently indicated the Mayor, as a non-voting member of Council, should not be attending. The same would seem to hold true for the City Clerk. He has reached out to the Attorney General's office for guidance.

Business from the Council President

President Barthel thanked the members of the City Board of Elections for their work and efforts in making Saturday's election process go smoothly.

He also asked Council to consider people for a committee to look at possible Charter changes. He would like them to bring those suggestions to the May 3 special meeting.

Motion, Discussion and Vote on Resolution No. 2011-13, in memory of Joseph Scarmozzi, Past Chief of the Good Will Fire Co.

Councilperson Petty made a motion to approve the resolution. Councilperson Gaworski seconded the motion. The motion was passed unanimously.

Unfinished Business

1. Third Reading, Motion, Discussion and Vote on Ordinance No. 481, adding a new section to the New Castle City Code regulating the operation of pedicabs.

President Barthel and Administrator Thomas read the ordinance.

Councilperson Gaworski made a motion to approve the ordinance. Councilperson Megginson seconded the motion. The motion was passed unanimously.

New Business

1. Motion, Discussion and Vote on Resolution No. 2011-14, setting the fee schedule for items contained in the City ordinance regulating pedicabs.

Councilperson Petty made a motion to approve the resolution. Councilperson Gaworski seconded the motion.

Administrator Thomas said her search did not find small cities that had such an ordinance and fee structure. Mr. Losco had pointed out Saratoga Springs, N.Y., which charged roughly \$250.

Mr. Losco said the Police Department will have to inspect the vehicles and some administrative work is involved.

Councilperson Petty said that the charges have to be an amount that the company can charge within their prices. She asked how much it would cost to do the inspection.

The amount has not been determined.

Councilperson Gaworski said the City could start out with \$75 for the owner's license, \$25 for each additional vehicle, and \$15 for the operator's license. It can always be adjusted later by resolution.

Councilperson Petty asked in which parts of the City the pedicabs would be operating.

The owner Ryne Daniels said primarily the historic area, anywhere from the waterfront to Happy Harry's and as far down as Riverbend. It will extend beyond the historic area, but primarily will be offering historic tours.

President Barthel suggested \$20, \$10 and \$10.

The motion was passed unanimously with those amounts.

2. Discussion of the Use of a \$500 Contribution to the City by the New Castle Jaycees.

Councilperson Petty recommended using it toward the repair of the Banks Building.

Administrator Thomas said the City could earmark this money into an account for the building.

The consensus was to use it for the Banks Building.

3. Discussion of expansion of the Western Gateway project, proposing to add landscaping to property owned by the Trustees of the New Castle Common at the southwest corner of the intersection of Routes 273 and 141.

Councilperson Cochran said there are additional monies left over from the Western Gateway project. The property is owned by the Trustees but it is a vacant lot. There is roughly \$40,000 leftover.

Administrator Thomas said she was able to confirm this would be an appropriate project for the money. The City would need to work the Trustees. Long-term the City will need to think about the maintenance.

Councilperson Megginson said his problem with the proposal is the more that the City plants, the more maintenance has to be done. The City has to be careful what it plants.

Councilperson Cochran said it doesn't have to be elaborate like across the street. He would like the area dressed up a little.

President Barthel said the City should get in touch with the Trustees about it.

4. Discussion of setting a public hearing concerning a proposal to modify the following sections of the New Castle City Code:
 - Section 140: Housing and Property Maintenance
 - Section 141: Dangerous or Vacant Buildings

President Barthel said the City had a group of people look at these sections of the City Code. They have completed that review and he would like to schedule a public hearing. The hearing was set for May 3, 2011, at 6 p.m.

5. Discussion of setting a public hearing concerning a proposal to modify the New Castle City Code relative to truck traffic traversing certain City roads and streets and the definition of "Local Service."

Councilman Gaworski said many complaints were received about the amount of truck traffic on Washington Street and Seventh Street through Dobbinsville and Washington Park. The City is looking at regulating any vehicles over two axles due to deterioration of the roadway and houses. The City has met with DelDOT and is looking to get signage made up that is clear and legible that no trucks are allowed through the area.

Councilperson Gaworski, Councilperson Megginson and Administrator Thomas met last week to draw up a proposed ordinance for this matter.

Councilperson Gaworski read the proposed language of the ordinance. He said at one point the number of trucks was counted at more than 600 a day. It is residential area.

Councilperson Megginson DelDOT does not want to lose their federal highway money.

President Barthel said it is a matter that is significant to large number of people in the City.

DelDOT will be contacted to arrange for hearing date at which DelDOT officials can attend.

6. Discussion of a Second Location requested by Bailey's Dawgs for Vending in Battery Park.

Councilperson Megginson said Baily's Dog had come before Council on January 18, 2011 and requested two locations for their dog wagon. At the time, City Council said to wait to see if another applicant came in for a location. No other application has come in.

Bailey's would like to have a second location near where the bandstand is. They would operate on Friday, Saturday and Sunday from 10 a.m. to dark.

The consensus was the vendor could have the second location.

7. Motion, Discussion and Vote on Resolution No. 2011-15, authorizing the execution of a Lease-Purchase Agreement with TCF Equipment Finance, Inc., for purchase of a new trash truck.

Councilperson Megginson made a motion to approve the resolution. Councilperson Petty seconded the motion. The motion was passed unanimously.

President Barthel said this was a requirement of the company leasing the truck.

Administrator Thomas said the City has the truck already. She thanked the Trustees of the New Castle Common which have committed to paying for the truck.

8. Comments from the floor.

Earl Carpenter, of 6th Street, said his remarks are not directed at pedicabs. In the past Council has set fees which would attempt to recover the work the City is doing for applicants. At this meeting two people read an ordinance on the pedicabs, which he assumes was prepared by a lawyer. All the fees for a pedicab would total perhaps \$100. He asked how many years or centuries would it take to recoup the money that was paid to the lawyer to write up the resolution. Someone at City Hall or the Police Department will have to investigate the owner or the drivers to comply with the ordinance, police are going to have inspect the vehicles. It seems like to operate this business the City has gone to great expense to permit this and the expense is not going to be returned to the City by anyone. It seems like the City is losing out on this deal. He said it bothers him.

Brian Whitaker said he returned from Germany on March 23, 2010, and came back into the City of New Castle and saw the City falling apart. The concerns are overwhelming—the drug dealing. People complain; nothing happens. He got compelled to run for Mayor.

He gave Mrs. Thomas 20 copies of his concerns. People have not gotten a response on their concerns. He has not gotten a response on his concerns. The person he looked up to the most, Jack Klingmeyer, is the person he decided to run against for mayor. He views the Mayor of New Castle as big prestigious position. For anyone to not show up to the election for that prestigious position, should be just done with. If you don't want to be here, why take that position. Why go on vacation. One person at the police department, Lt. Brams, follows up with him, not the corporal or private. Mr. Whitaker said he wondered hierarchically what is going on. He contacted the Board of Elections, the commission, the county, the ethics people and the federal government about this election. He said he was proud of his 36 votes. He handed out printed copies of his correspondence regarding the election. He said there are people behind him in his appeal of the election.

Jeff Taylor, new president of the New Castle Jaycees, congratulated the newly elected officials. He thanked Councilperson Petty for leading the discussion about the \$500 and the Banks Building. He said the Jaycees are community service organization and will be involved in many community events. It will be working on Route 9 to helping maintain the roadway. In June, it will have a presence at Separation Day.

Councilperson Cochran made a motion to adjourn the meeting into an executive session to discuss the City strategy for the upcoming FOP union negotiations. Councilperson Petty seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk